THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 22157 of 1998

DATE: 04-04-2007

Between :

Timmareddy Jagan Mohan Rao and 4 others.

… Petitioners

And

The Mandal Revenue Officer,
Musunuru Mandal, Musunuru,
Krishna District and 2 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 22157 of 1998

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in not implementing the order of the Settlement Officer, Eluru dated 04-08-1991 as confirmed by the Director of Settlement, Andhra Pradesh, Hyderabd in R.P.No.167 of 1982 dated 10-05-1984, which was further confirmed by the Commissioner of Survey, Settlement and Land Records, dated 15-07-1994 is arbitrary and illegal.

I have heard the learned counsel for both parties.

By order dated 04-08-1991, the Settlement Officer granted a ryothwari patta under Section 11(a) of the Estate Abolition Act, 1948 in respect of Ac.135.00 situated in R.S.No.18/1P of Balive village, Nuzvidu Taluk, Krishna District. The said order was passed after hearing the Forest Department and after rejecting the claim that the land in question forms part of notified reserved forest. The said order was upheld by the Director of Settlement as well as the Commissioner of Land Revenue. Aggrieved by the inaction on the part of the respondents in implementing the said order, this writ petition is filed.

Though a counter affidavit has been filed on behalf of the respondents, except reiterating the stand taken before the respondents 1 to 3 that the land forms part of reserved forest area, no other objection has been raised. The said issue was already considered and rejected by the respondents 1 to 3, and I do not

find any justifiable reason to interfere with the concurrent finding recorded by the respondents.

As a matter of fact, identical writ petitions being W.P.Nos.16373 and 29032 of 1997 were disposed of by this Court by order dated 09-02-2007 directing the respondents to implement the order passed by the Settlement Officer, however, granting liberty to the Mandal Revenue Officer to move the Settlement Officer to exercise the *suo motu* revisional jurisdiction. It was also left open to the Mandal Revenue Officer to approach the Divisional Forest Officer and file an application for invoking the jurisdiction under the Forest Conservation Act.

Since the petitioner herein is also similarly situated, the writ petition is disposed of with a direction to the respondents to implement the order dated 04-08-1991 within a period of three months from the date of receipt of a copy of this order. Liberty is granted to the Mandal Revenue Officer to work out the appropriate remedy as available under Estate Abolition Act, or the Forest Conservation Act 1980 for review of the order passed by the Settlement Officer dated 04-08-1991. No costs.

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G. ROHINI, J

Dt.04-04-2007

Note: Issue C.c. in one week.

B/o

KLP